

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

Robert Earl Booth,
Plaintiff,

-VS-

Case No. **15-C-1253**

L. Doehling-Health Care Manager,
Sharon Meerchen-R.N., C. Barter-R.N.,
S. Klenke-R.N., Susan Peters-R.N.,
Wanda Yeska-Feed Supervisor, Amy
Wilson-Kitchen Administrator, C/o
Hedge, C/o Grover, Sgt. Roberts, Sgt.
Murphy, Brian Miller-Unit Manager,
Kreiner-Business Officer, Michelle
Smith-ICE, K. Souzek-Human Resource
Office, Steve Schueler-Security
Director, Michael Meisner-Warden,

Defendant(s).

U.S. DISTRICT COURT
EASTERN DISTRICT-WI
FILED
2015 OCT 19 P 3:02
JON W. SANFILIPPO
CLERK

CIVIL RIGHTS COMPLAINT

Introduction

The Plaintiff in the above entitled action in his Natural person capacity commence this Civil Action against the Defendants in their individual, Personal and Official capacities for acts and Omissions consistent with Title 42 § U.S.C. 1983, contrary to their Ministerial duties to their office and employment in violation of the 1st, 5th, 6th, 8th and 14th Amendments to the United States Constitution, while acting under the color of law, and liable under state law via the Warden Official Oath and Bond of Office pursuant to § 302.03 (1)(2) Wis. Stats., and as a result of their actions and inactions the plaintiff's person and property was injured thereby; to which the plaintiff seeks, declaratory, Injunctive, Compensatory and Punitive Damages.

1.

Jurisdiction

This Court pursuant to Title 28 § U.S.C. 1331 (1), & 1343 (a)(2)(3); Article 7 § 8 Wisconsin Constitution in issuing a

42 § U.S.C. 1983, with Article 3 § 2, Cl.# 1 U.S. Constitution, the Court shall exercise it's Judicial Powers over case's arising under the Constitution and laws of this land, affecting person's and things. This Court as jurisdiction over the Plaintiff's State law Tort Claims under Title 28 § U.S.C. 1367, and Supplemental Jurisdiction thereover.

2. Notice of Claim

A Notice of Claim, was filed On 4-16-15, by Certified Mail and Acknowledge being received On 4-21-15, from Attorney General Office.

3. Exhaustion of Administrative Remedies

- The Plaintiff has exhausted all his Administrative Remedies; by Attempting to Mitigate/Resolve these actions and inactions of the Defendant's through the Redgranite Correctional Institution's Chain of Command Policy and through the Inmate Review System (Hereinafter as "ICRS"), by submitting the DOC
4. Complaint RGCI-2015-4022, On 3-2-15, and which the Institution Complaint Examiner, Michelle Smith, recommended the complaint to
 5. be Dismissed; which the Review Authority on 3-18-15, Dismissed DOC Complaint #RGCI-2015-4022, and Plaintiff Appealed to
 6. Corrections Complaint Examiner (Hereinafter as "CCE") On 3-26-15,
 - 7 and On 5-7-15, the CCE - Ana Boatwright, recommended the
 7. Complaint be dismissed, and On 4-19-15, the Secretary of DOC, designee - Cindy O'Donnell, accepted the the CCE, recommendation an dismissed the DOC Complaint#RGCI-2015-4022, "Deliberate indifference regarding work related injury", COMPLAINT.
 8. On 3-26-15, Plaintiff submitted DOC Complaint #RGCI-2015-5822, concerning the arbitrary lost/removal from his job due to work
 9. related injury", and On 4-6-15, Inmate Complaint Examiner, (Hereinafter as "ICE") Michelle Smith, Recommended the complaint to be dismissed alleging that documentation does not support Plaintiff,

- assertion that he is unable to work due to work related injury
10. that occurred on 8-31-14, and that there is no requirement to continue to compensate him at his previous rate of earning given
11. these circumstances; and On 4-6-15, the Reviewing Authority, Michael Meisner, Dismissed, DOC Complaint#RGCI-2015-5822, and On 4-7-15, Plaintiff submitted his Appeal to CCE, and On 5-9-15, Submitted an Amended Complaint Appeal to CCE, and On 5-22-15, the CCE - Ana Boatwright, recommended DOC Complaint to be Dismissed, alleging that the Institution's decision reasonably and Appropriately addressed the issue raised by Plaintiff; On 5-28-15 the Secretary of DOC, designee Cindy O'Donnell, accepted CCE's, recommendation and dismissed DOC Complaint #RGCI-2015-5822. On 4-10-15, the Plaintiff submitted his DOC Complaint#RGCI-2015-6707, concerning the incompetency of ICE, in investigating his previous complaint, and On 4-24-15, ICE - Ashley Freitag, Rejected the Plaintiff's complaint alleging that it was an Appeal amounted to an Appeal of RGCI-2015-5822; an is not raised in the proper forum and would be contrary to DOC 310.11 (5)(g) Wis. Adm. code and On 5-1-15, the Plaintiff Appealed the ICE's Rejection of his complaint to the Warden/Appropriate Reviewing Authority and On 5-8-15, the Reviewing Authority - Michael Meisner, Stated that the complaint was Appropriately rejected by the ICE in accordance with DOC 310.11 (5).

On 5-15-15, the Plaintiff submitted DOC Complaint# RGCI-2015-9010, alleging that staff failed to complete an Accident Report, concerning his work related injury and that he was entitled to receive back pay from 2-28-15 until 5-15-15; and the ICE - Michelle Smith, Rejected his complaint and On 6-2-15, the Plaintiff Appealed the ICE, rejection of his complaint and On 6-8-15, the Appropriate Reviewing Authority - Michael Meisner, stated that the complaint was appropriately rejected by ICE in accordance with DOC 310.11 (5).

Plaintiff's

Robert E.Booth#315686, having had his 1st, 4th, 8th

and 14th Amendment rights under U.S. Constitution violated; who is a Natural born/Flesh & Blood person and Resident of the United States, residing at Redgranite Correctional Institution, P.o. Box 925, Redgranite, WI.54970; whose mailing address is the same.

Defendant's

23. Michael Meisner-Warden, responsible for the custody, person's, belongings and every species of Property and well being of each inmate, pursuant to § 302.04 Wis. Stats., an liable for any injuries thereto, under his Official Oath and Official Bond of Office committed by him or officers or employee's employed by him in their respective duties and trust pursuant to § 19.01 (3) Wis. Stats., & § 302.03 (1)(2) Wis. Stats.; is a citizen of the United States of America, employed by the State of Wisconsin, Department of Corrections; whose mailing address is: Redgranite Correctional Institution, P.o. Box 900, Redgranite, WI.54970-0900.

24. Steve Schueler-Security Director, a citizen of the United States of America, employed by the State of Wisconsin, Department of Corrections, responsible for the discipline, welfare, Property and belongings of all inmate, and liable for any injuries thereto, pursuant to the Official Oath and Official Bond of the Warden's pursuant to § 19.01 (3) Wis. Stats., whose mailing address is: Redgranite Correctional Institution, P.o. Box 900, Redgranite, WI.54970;

25. L.Boehling-Health Care Manager, a citizen of the United States of America, employed by the State of Wisconsin, Department of Corrections, responsible for the Health, Care, & Treatment & Welfare of all inmates and liable for any injuries thereto, pursuant to the U.S. Constitution, Health Laws, and pursuant to the Official Oath and Official Bond of the Warden's pursuant to § 19.01 (3) Wis. Stats., whose mailing address is: Redgranite Correctional Institution, P.o. Box 900, Redgranite, WI. 54970;

26. Sharon Neerchen-Registered Nurse, a citizen of the

United States of America, employed by the State of Wisconsin, Department of Corrections, responsible for the Health care, Medical Treatment, & Welfare of all inmates and liable for any injuries thereto, pursuant to the U.S. Constitution, Health Laws, and pursuant to the Official Oath and Official Bond of the Warden's pursuant to § 19.01 (3) Wis. Stats., whose mailing address is: Redgranite Correctional Institution, P.o. Box 900, Redgranite,WI. 54970;

27. C.Barter-Registered Nurse, a citizen of the United States of America, employed by the State of Wisconsin, Department of Corrections, responsible for the safety, Health Care, Health & Medical Treatment, and Welfare of all inmates and liable for any injuries thereto, pursuant to the U.S. Constitution, Health Laws, and pursuant to the Official Oath and Official Bond of the Warden's, pursuant to § 19.01 (3) Wis. Stats., whose mailing address is: Redgranite Correctional Institution, P.o. Box 900, Redgranite,WI.54970;

28. Susan Peters-Registered Nurse, a citizen of the United States of America, employed by the State of Wisconsin, Department of Corrections, responsible for the Safety, Health Care, Health & Medical Treatment, and Welfare of all inmates and liable for any injuries thereto, pursuant to the U.S. Constitution, Health Laws, and pursuant to the Official Oath and Official Bond of the Warden's pursuant to § 19.01 (3) Wis. Stats., whose mailing address is: Redgranite Correctional Institution, P.o. Box 900, Redgranite,WI. 54970;

29. Wanda Yeska-Food Services Supervisor, a citizen of the United States of America, employed by the State of Wisconsin, Department of Corrections, responsible for the Operation of Food Servies, for the Saffey, Health and Welfare of all inmates and liable for any injuries thereto, pursuant to the U.S Constitution, Health Laws, and pursuant to the Official Oath and Official Bond of the Warden's, pursuant to § 19.01 (3) Wis. Stats., whose mailing address is: Redgranite Correctional Institution, P.o. Box 900, Redgranite,WI.54970;

30. Amy Wilson-Kitchen Administrator, a citizen of the United

States of America, employed by the State of Wisconsin, Department of Corrections, responsible for the Operation of Food Services, the Safety, Care, and Welfare of all inmates, and liable for any injuries thereto, pursuant to the U.S. Constitution, Health Laws, and pursuant to the Official Oath and Official Bond of the Warden's pursuant to § 19.01 (3) Wis. Stats., whose mailing address is: Redgranite Correctional Institution, P.o. Box 900, Redgranite, WI. 54970;

31. C/o Hodge, a citizen of the United States of America, employed by the State of Wisconsin, Department of Corrections, responsible for the Safety, Health, and welfare of all inmates, and liable for any injuries thereto, pursuant to the U.S. Constitution, Health & Safety Laws, and pursuant to the Official Oath and Official Bond of the Warden's, pursuant to § 19.01 (3) Wis. Stats., whose mailing address is: Redgranite Correctional Institution, P.o. Box 900, Redgranite, WI.54970;

32. C/o Grever, a citizen of the United States of America, employed by the State of Wisconsin, Department of Corrections, responsible for the Safety, Care, and Welfare of all inmates, and liable for any injuries thereto, pursuant to the U.S. Constitution Health & Safety Laws, and pursuant to the Official Oath and Bond of the Warden's, pursuant to § 19.01 (3) Wis. Stats., whose mailing address is: Redgranite Correctional Institution, P.o. Box 900, Redgranite, WI.54970;

33. Sgt.Roberts, a citizen of the United States of America, employed by the State of Wisconsin, Department of Corrections, responsible for the Safety, Care, and Welfare of all inmates, and liable for any injuries thereto, pursuant to the U.S. Constitution, Health & Safety Laws, and pursuant to the Official Oath and Bond of the Warden's, pursuant to § 19.01 (3) Wis. Stats., whose mailing address is: Redgranite Correctional Institution, P.o. Box 900, Redgranite, WI.54970;

34. Sgt,Murphy, a citizen of the United States of America, employed by the State of Wisconsin, Department of Corrections, responsible for the Safety, Care and Welfare of all inmates, and liable for any injuries thereto, pursuant to the U.S. Constitution

Health & Safety Laws, and pursuant to the Official Oath and Bond of the Warden's, pursuant to § 19.01 (3) Wis. Stats., whose mailing address is: Redgranite Correctional Institution, P.O. Box 900, Redgranite, WI.54970;

35. Brian Miller-Unit Manager, a citizen of the United States of America, employed by the State of Wisconsin, Department of Corrections, responsible for the Safety, Care and Welfare of all inmates, and liable for any injuries thereto, pursuant to the U.S. Constitution, Health & Safety Laws, and pursuant to the Official Oath and Bond of the Warden's, pursuant to § 19.01 (3) Wis. Stats., whose mailing address is: Redgranite Correctional Institution, P.O. Box 900, Redgranite, WI.54970;

36. Kramer-Business Officer, a citizen of the United States of America, employed by the State of Wisconsin, Department of Corrections, responsible for the Safety, Care and Welfare of all inmates, and liable for any injuries thereto, pursuant to the U.S. Constitution, Health & Safety Laws, and pursuant to the Official Oath and Bond of the Warden's, pursuant to § 19.01 (3) Wis. Stats., whose mailing address is: Redgranite Correctional Institution, P.O. Box 900, REDgranite, WI.54970;

37. Michelle Smith, a citizen of the United States of America, employed by the State of Wisconsin, Department of Corrections, responsible for the Safety, Care and Welfare of all inmates, and liable for any injuries thereto, pursuant to the U.S. Constitution, Health & Safety Laws, Wisconsin Administrative Codes, Statutes and Inmate complaint Review System, and the Official Oath and Bond of the Warden's, pursuant to § 19.01 (3) Wis. Stats., whose mailing address is: Redgranite Correctional Institution, P.O. Box 900, Redgranite, WI.54970;

38. K.Souzek-Human Resources, a citizen of the United States of America, employed by the State of Wisconsin, Department of Corrections, responsible for the Safety, Care, Records, Information, & Welfare of all inmates, and liable for any injuries thereto, pursuant to the U.S. Constitution, Wisconsin Laws, Codes, Regulations, and the Official Oath and Bond of the Warden's, pursuant to § 19.01 (3) Wis. Stats., whose address is: Redgranite Correctional Institution, P.O. Box 900, Redgranite,

WI.54970;

Trial By Jury Demanded

39. Pursuant to Article 3 § 2, cl.# 1 U.S. Constitution, Article 1, Sections 5 of Wisconsin Constitution, the Plaintiff demand a Trial by Jury of (6) and pursuant to this the Court shall extend it's -Judicial Powers - over all Civil and Criminal matters arising under the laws of this land and Constitution.

Statement of Facts

40. On August 30, 2014, the Plaintiff while working in Redgranite Correctional Institution's Main Kitchen, suffered a serious injury to his left hand, when the Dishwasher door slammed down on it. Immediately, the Plaintiff realized that something was extremely wrong with his left hand, as he felt a sharp and intense pain in the area of his left thumb and his left hand began to go numb.

The Plaintiff, immediately informed both Food Services Supervisor-Wanda Yeska, and C/o Hodge of his injury and that he was in extreme pain and need immediate medical attention.

Both the Food Services Supervisor-Wanda Yeska, and C/o Hodge, sent Plaintiff back to his housing Unit, without any medical care or Treatment; around 6:15 p.m.;

41. On August 31, 2014, around 7:35 a.m., the Plaintiff showed his swollen hand to C/o Grover, and informed him that he had received a work related injury the day before and was not given any medical treatment and has continued to be in extreme pain. C/o Grover told plaintiff that a Nurse would be making her rounds soon, and plaintiff informed C/o Grover that he needed medical treatment right then. C/o Grover did not contact medical staff. Three hours went by after Plaintiff had informed C/o Grover of his injury to his left hand and still no Nurse had made any round as the plaintiff was informed by C/o Grove.

So the Plaintiff went to the Officer's station and

informed the UNIT Sgt. Roberts of his work injury he had received the day before and showed him how swollen it had become and that he had not been given any medical treatment for it nor had he been seen by medical staff and that he still was in intense pain and needed some medical attention immediately.

Sgt. Roberts, informed plaintiff that a Nurse should be making rounds soon and the plaintiff could talk with her then or the plaintiff could fill out a medical form and send it in and eventually medical staff would call plaintiff over to the Health Services Unit. (Hereinafter as "HSU")

At 11:40 a.m., On August 31, 2014, the Plaintiff went back to work; and he again saw C/o Hodge, and informed C/o Hodge that he was still in extreme pain and still had not been given any medical treatment and that he need some medical attention. C/o Hodge, informed plaintiff that he would make a few calls and around 12:10 p.m., C/o Hodge, informed the plaintiff that he could go to HSU, and around 12:20 p.m., while at HSU, the plaintiff, was seen by Nurse Triage, who provided the plaintiff with a Ice bag, Ibuprofen and a thumb splinter and arranged an appointment for the plaintiff to be seen by the Nurse Practitioner.

Only 3 days later On 9-3-14, the Plaintiff was called to HSU, to be seen by Nurse Susan Peters, who ordered some X-Rays of plaintiff's left hand to be taken.

On 9-4-14, Plaintiff had X-Rays taken of his left hand and thumb, which revealed that he suffered a fracture to his left thumb.

On 9-5-14, Plaintiff was ordered by Nurse, C. Barter, to return the thumb splinter to HSU, even though his thumb had not been examined by the Doctor.

On 9-6-14, Plaintiff returned the splinter to HSU, and was given a 20 day No work Lay-in.

On 9-26-14, Plaintiff was ordered to go back to work By Nurse's C. Barter and Sharon Moerchen, who neither examined the plaintiff's hand to determine whether it was well enough to start back working, when he had not been seen by a Doctor nor Nurse Practitioner.

Prior to and On 10-15-14, the Plaintiff continuously complain to HSU, about his on going pain in his left hand and was told he would have an appointment to see the Doctor, but it never happened.

On 10-26-14, a Appointment was set up for the Plaintiff to be seen.

On 11-10-14, the Plaintiff was called to HSU to see the Nurse Practioner, R.Frank, who gave Plaintiff some cream for his hand and Ordered X-Rays to been taken of his hand.

On 11-13-14, the Plaintiff went to HSU, to have his left hand X-Rayed again and it revealed that Plaintiff indeed had a Fracture to his left hand.

On 1-12-15, Plaintiff was called to HSU, to be seen by Nurse Practioner, R.Frank, who, noted in the record that Plaintiff's hand was still swollen after 5 months, and Recommended that Plaintiff receive an injection.

On 1-22-15, Plaintiff was seen by Nurse Betty, for the injury to his left and she ordered Plainitiff to be placed on No work Restriction, due to the extreme swelling and pain in the Plaintiff's left hand.

On 2-15-15, Plaintiff notice his work Pay had been stopped; He requested to speak to the Kitchen Administrator- Amy Wilson. Who informed the Plaintiff that the reason he was no longer receiving pay was due to the fact that there was No Report written alleging that he had been injured on the job.

The Plaintiff informed Amy Wilson, that there should have ben a report written by C/o Hodge & Food Services Supervisor - Wanda Yeska, as they were working on the day of the day of the injury occurring. So Ms.Wilson, called C/o Hodge, in an asked him in the presents of the Plaintiff, whether he had written an Accident Report concerning the Plaintiff's injury to left hand and C/o Hodge informed Ms.Wilson that he did not write a Accident Report.

Shortly, thereafter, Ms.Wilson called Food Service Supervisor-Wanda Yeska, in an asked her in the presents of the Plaintiff, whether she had filed a Accident Report concerning the

injury to the plaintiff's left hand on 8-30-14, and Ms. Yeska, informed Ms. Wilson that she did not write a Accident Report.

On 2-16-15, Plaintiff was informed by Nurse Sharon Moerchen, that he was to return to work on 2-17-15, despite the Plaintiff's No Restriction order given by Nurse Betty, on 1-22-15, and despite his not being examined by a doctor or without Nurse Moerchen, conducting an examination of the Plaintiff's left hand, so see if he was fit to begin back working.

On 2-17-15, Plaintiff went back to work in while in extreme pain as ordered by nurse Sharon Moerchen.

ON 2-17-15, the Plaintiff again wrote HSU, Manager, concerning the plaintiff's work related injury to his left hand, requesting medical attention.

On 2-18-15, Nurse Moerchen, arbitrarily responded to plaintiff's request to HSU Manager, L. Doehling, and informed plaintiff that he had been seen by a Nurse Practitioner.

Nurse Moerchen, informed plaintiff that she personally stopped or discontinued the No work restriction issued by previous Nurse Betty, because said alleged Nurse Betty, was not authorized to give a work lay-in for that long of a period.

Also On 2-17-15, plaintiff had received a notice from nurse S. Klenke, informing him that his No work restriction was far too long of a period.

On 2-19-15, Nurse S. Klenke again wrote Plaintiff to inform him that his issue had been referred to Health Care Manager-L. Doehling.

On 2-19-15, the Health Care Manager, wrote Plaintiff, informing him that Nurse Moerchen did not stop his treatment, but she stopped his No work Restriction, because Plaintiff could lose his job after 30 days and she explain that only a Doctor or Nurse Practitioner could give a longer restriction than 30 days.

On 2-20-15, Plaintiff again wrote HSU, complaining about the pain & swelling in his left hand, and received no reply back from HSU Staff.

On 2-24-15, Nurse Shew wrote Plaintiff to inform him that an appointment had been scheduled for him.

On 2-24-15, the Plaintiff wrote to HSU regarding all the alleged appointment's he was scheduled for but still was not seen by anyone.

On 2-15-15, Nurse Moerchen, wrote plaintiff to inform him that he would be seen soon.

On 2-26-15, Plaintiff talked with Unit Manager Ms.Monfils, regarding his fractured thumb and not being able to see a Doctor for well over 6 months and showed her how swollen his left hand had become and she immediately got on the phone and got plaintiff a scheduled appointment to be seen by a Doctor.

On 2-27-15, Plaintiff was called to HSU to be seen by Doctor Lisa Allen, who looked at the Plaintiff's hand and informed him that she was sending him to see a Bone Specialist; and that she was going to give plaintiff a No Work Restriction until the plaintiff could be cleared by the Orthopedic Surgeon.

On 2-28-15, Nurse Sharon Moerchen, arbitrarily contacted the Plaintiff's Job and told the Food Services Supervisor to hire someone else, because the Plaintiff is unable to work and from that point on time the Plaintiff was fired from his Job.

On 3-19-15, Plaintiff received in the mail an Offender Work Program placement DOC-1408 form that stated as of 3-1-15, Plaintiff was removed from his Job per HSU.

On 3-19-15, the Plaintiff found out that it was Nurse Sharon Moerdhen, who made the call to HSU to have him removed from his Job.

On 3-20-15, Nurse Moerchen wrote the Plaintiff in attempt to justify her arbitrary actions of having the Plaintiff fired from his jon, by claiming she did it because his Medical Classification had changed.

On 3-20-15, Plaintiff wrote HSU, for medical treatment.

On 3-21-15, Plaintiff wrote HSU about his medication and No work Order restriction Dr. Allen Ordered.
On 3 On 3-21-15, Nurse Klenke wrote plaintiff back

and informed him that he was given a No work Order by Dr. Allen, until cleared by the Orthopedic Surgeon.

On 3-22-15, Plaintiff again wrote HSU about when he was scheduled to see the Orthopedic Surgeon.

On 3-23-15, Nurse Sharon Moerchen, wrote the Plaintiff back to inform him that HSU was working on his appointment for the Orthopedic surgeon.

On 3-24-15, plaintiff wrote Nurse Moerchen requesting to know how did the Dr. Allen's No work Lay-in change his medical classification to cost him his job.

On 3-25-15, Nurse Moerchen wrote plaintiff back stating that because Dr. Allen will review your restriction after you are seen by the Orthopedic surgeon, because you complained about having pain while working and see DOC 309.55.01 regarding Medical Lay-in.

On 5-8-15, Plaintiff had a discussion with R.G.C.I. Security Director - Steve Schueler, concerning his not receiving pay while being placed on Medical Lay-in for a work related injury, and for Food Services Staff and Security personnel not submitting a Accident Report or incident Report about his injury being work related; to which the Security Director said he never knew anything about plaintiff being injured and that the staff were required to file a Accident Report and he would look into it.

On 5-10-15, plaintiff again requested a copy of the Accident Report, from the Records office that was written by Security Personnel or Food services staff, and was told that Records office does not maintain Accident report and that the Human Resource Department might have it.

On 5-12-15, Plaintiff received in the mail a copy a Accident Report, that had been back dated by Food Services Supervisor - Wanda Yeska.

On 5-12-15, plaintiff wrote ICE Michelle Smith informing her that there was an alleged Accident Report written showing that his injury was in fact a work related injury, contrary to her decision in DOC Complaint No. #RCCI-2015-5822.

On 5-13-15, ICE - Michelle Smith wrote Plaintiff back alleging that she was ware of the Accident Report.

On 5-16-15, Plaintiff submitted Appeal to Corrections Complaint Examiner, (Hereinafter as "C.C.E.") regarding the Warden, Security Director, ICE, Food Services Supervisor, Kitchen Administrator, Human Resources, Health Care Dept., all fabricating a Accident Report and Back dating it when the Accident Report did not initially exist until after the Plaintiff brought the situation concerning his injury to the Security Director an told him no Accident Report was written.

On 5-16-15, Plaintiff was informed that he had been scheduled for surgery.

On 5-29-15, Plaintiff again informed medical staff that he was in intense pain and needed medical attention. On 5-30-15, Plaintiff again requested medical attention for his hand and requested something for the extreme pain he was in.

On 5-31-15, Plaintiff talked with Sgt.Roberts, who called HSU concerning the plaintiff being in extreme pain and HSU called plaintiff to HSU and provided him with something for the pain.

On 6-1-15, Plaintiff informed Sgt.Murphy that he needed medical attention; he picked up the phone and then put it back down and told plaintiff that no one was at HSU and for the Plaintiff to put in a medical request. The plaintiff filled out a medical request. This occurred at 6:00 P.m.

On 6-2-15, Nurse A.Thompson informed plaintiff that a appointment had been scheduled.

On 6-5-15, Plaintiff was seen by Nurse Moerchen, who questioned the plaintiff about the plaintiff writing complaints against her when she was only doing what she was told to do.

On 6-25-15, Plaintiff was seen by Nurse Practioner regarding his scheduled surgery and during this visit nurse practioner informed the plaintiff to take it easy and asked where did he work and after plaintiff explained to nurse practioner that after Dr.Allen gave the no work restriction until after he was cleared by Orthopedic surgeon, that Nurse Moerchen had him fired from his job; the nurse practioner informed plaintiff that he was not suppose to loose his job, because his injury was wrok related

and she then called nurse Klenke into her office and asked her who could she contact to talk about plaintiff losing his job because the Doctor did not say the plaintiff was suppose to lose his job and that the Doctor simply stated that she did not wanted plaintiff to go back to work until he was cleared by the Orthopedic surgeon.

On 7-6-15, Plaintiff has surgery on his left thumb TO fuse the MCP Joint.

On 7-7-15, Plaintiff was Prescribed 40 tablets of Hydrocodone 50 mg. for his pains, inwhich he was required to take 2 tablets every 4 hours.

On 7-9-15, at approximately 12:40 p.m., plaintiff was informed by nurse Moerchen that he was running out of his medication because the Doctor only ordered 40 tablets and she recommended that plaintiff take Ibuprofen.

On 7-10-15, Plaintiff was informed by nurse Moerchen that she found 10 tablets, which had to last plaintiff throughout the weekend and for him to take one tablet of Hydrocodone for the 1st 4 hours and take one Ibuprofen for the following 4 hours.

On 7-12-15, at 8:35 p.m., the plaintiff was informed by HSU that his medication had completely run out.

On 7-13-15, plaintiff complained to staff at 8:30 a.m., about his being in pain and for them to call HSU and plaintiff filled out an medical request form.

ON 7-14-15, Plaintiff wrote HSU again requesting medical attention and explained that the Ibuprofen made him real sick.

On 7-15-15, Plaintiff found out that he was not suppose to have taken any aspirin or Ibuprofen for 6 weeks after his surgery.

On 7-17-15, Plaintiff filed a complaint against nurse MOerchen for arbitrarily providing him with Ibuprofen when she knew that plaintiff had just had surgery and that the Doctors orders prohibited him from taking any Ibuprofen.

On 7-28-15, Plaintiff filed a complaint against

HSU about his prescribed medication.

On 7-21-15, Plaintiff went back to UW-Madison for a Post Surgery follow up and was informed that he'll see the Doctor again in 4 weeks.

On 7-22-15, Plaintiff received a No work Restriction in the mail. However, plaintiff had already been fired on 3-1-15.

Claims

That on 8-30-14, defendant's Wanda Yeska and C/O Hodge, acted with deliberate indifference to plaintiff's serious medical need, in violation of the Plaintiff's 8th Amendment rights against cruel and unusual punishment and 14th Amendment rights to substantial due process, wherein they failed to provide him with any medical treatment or seek any medical treatment for plaintiff's left hand that was injury while he was working;

That on 8-31-14, C/o Grover, and Sgt. Roberts acted with deliberate indifference to the plaintiff's serious medical needs, wherein they failed to provide the plaintiff with any medical care or treatment or seek medical care or treatment on the plaintiff's behalf, after plaintiff informed them both of the nature of his injury and showed them his left hand/thumb and demanded medical treatment and informed them it had been well over 8 hours that he had to endure extreme pain without any type of medical care or being seen by Medical Staff; to which the defendant's actions and inactions violated the plaintiff's 8th Amendment rights;

That on 9-5-14, defendant C.Barter, acted with deliberate indifference to the plaintiff's serious medical need, in violation of the 8th Amendment, wherein defendant C.Barter, without examining the plaintiff left hand or left thumb, and with plaintiff being seen by a Doctor, committed a medical Battery, by ordering the plaintiff to return the splinter issued for his left hand/thumb to HSU and remove said splinter against the plaintiff's objections, causing further injury to the plaintiff's left hand/thumb, that had not properly healed;

That on 9-26-14, defendant's Sharon Moerchen and C.Barter, acted with deliberate indifference to the plaintiff's serious medical needs, in violation of the plaintiff's 8th Amendment rights; wherein they ordered the plaintiff to go back to work, without the Plaintiff first being seen or examined by a Doctor, when they knew of plaintiff's injured left hand/thumb and knew that the plaintiff use of such left hand/thumb could cause further injury to his left hand/thumb; and where they knew plaintiff had continued to complain about being in extreme pain and how swollen his left hand/thumb was;

That defendant's L.Doehling, Sharon Moerchen, C.Barter, and Susan Peters, all acted with deliberate indifference to the plaintiff's serious medical needs in violation of the plaintiff's 8th Amendment rights; wherein they failed to provide the plaintiff with any medical treatment for 5 to 8 months, and kept informing the plaintiff that he was scheduled to see the Doctor, failed to provide an actual appointment with the Doctor until several months later;

That on 2-16-15, defendant Sharon Moerchen, violated the plaintiff's 8th Amendment rights, wherein she acted with deliberate indifference to the plaintiff's serious medical need, when she arbitrarily changed another nurse's prescribed medical treatment for the plaintiff's injured left hand/thumb; whereby defendant Moerchen, cancelled plaintiff's pervious issued No Work Restriction issued by Nurse Betty and ordered the Plaintiff to go back to work on 2-17-15, deposite the plaintiff had not been seen by a Doctor and where the defendant herself had not examined the plaintiff's left hand/thumb nor discuss with the plaintiff whether his left hand/thumb had healed enough for him to proceed back to work;

That defendant Moerchen, violated the plaintiff's 1st on 2-28-15, wherein she arbitrarily called the plaintiff's job and had him fired, in retaliation for the plaintiff complaints made against her, when she knew it was not Dr. Allen, intent for the plaintiff to be fired from his job, but to simply be placed

on medical lay-in until he could be seen by the Orthopedic surgeon and cleared to return to work; and which she knew was contrary to DAI Policy # 309.55.01 section# C,,WHICH allows medical Lay-in and allows a inmate to be placed in sick cell status as a result of a job related injury and continue to be compensated at the rate earned in their previous status; and work related injuries reported on a DOC - 98A form shall not affect pay status, which defendant Moerchen knew or should have been aware of;

That on 7-9-15, defendant Moerchen, acted with deliberate indifference to the plaintiff's serious medical need, whereby the plaintiff went to HSU, to take his normal prescribed 2 Norco tablets, that were prescribed by the Medical Doctor, Luka, at the UW-Hospital in Madison, Wisconsin, on 7-6-15; which Plaintiff was suppose to take 2 Norco tablets every 4 hours, beginning on 7-7-15, to which the plaintiff only took 8 out of daily 12 Norco tablets, that were issued on 7-7-15; and on 7-8-15, the plaintiff took only 10 out of the daily issued 12 Norco tablets; and then on 7-9-15, when the plaintiff went to Hg HSU, nurse Moerchen told plaintiff that there was no more Norco Tablets for him, to which the plaintiff objectively requested his Norco daily 2 per MMH every 4 hours tablets from nurse Moerchen as the Plaintiff informed nurse Moerchen that Dr.Luka, issued a total of 40 Norco tablets for him, and that it is impossible for the 40 Norco tablets to have complete run out in two days, as the plaintiff was only allowed to take 2 every 4 hours, and he began taking them on 7-7-15; and had only taken 8 tablets on 7-7-15, as he missed HSU medical call twice on 7-7-15, and he only took a total of 10 Norco tablets on 7-8-15, as he again missed 1 medical HSU call session; which would be a total of 18 Norco tablets taken between 7-7-15, & 7-8-15, leaving a total of 22 Norco tablets prescribed by Dr.Luka, unaccounted for and even if plaintiff had been given the total doses of 2 every 4 hours as prescribed by Dr.Luka, between 7-7-15 and 7-8-15, it still would have only come to a total of 24 tablets being taken and leaving 16 Norco tablets unanswered for which would have required defendant Moerchen to provide the plaintiff with his

daily 2 Norco tablets, every 4 hours for 7-9-15, which defendant Moerchen refused to provide the plaintiff his prescribed Norco tablets as order by Dr.Lulka, in violation of the plaintiff's 8th Amendment rights, wherein no matter what the 40 tablets of Norco would not have completely run out until 7-10-15; and plaintiff was left to go without his medication by the defendant and Plaintiff submitted his DOC Complaint# RGCI-2015-12947, against HSU staff;

That on 7-9-15, defendant Moerchen, acted with deliberate indifference to the plaintiff's serious medical need, wherein she further refused to provide the plaintiff with the Naproxen tablets that was prescribed for him, which did not expire or was not discontinued until 7-10-15;

That defendant Moerchen, acted with deliberate indifference to the plaintiff's serious medical need, when she arbitrarily provided the plaintiff with Ibuprofen tablets contrary to the Medical Doctor's/Surgeon Orders and the UW-Health Hospital Health facts sheet, page# 2, that prohibited the plaintiff from taking any aspirin or anti-inflammatory medications for 6 weeks, without checking with plaintiff's doctor; causing the plaintiff to become sick; in violation of the plaintiff's 8th Amendment rights;

That the defendant Moerchen, further acted with deliberate indifference to the plaintiff's serious medical need, wherein she arbitrarily called an on-call provider order, instead of checking with the defendant's doctor/surgeon as to whether the it was appropriate for her to provide the plaintiff with Ibuprofen within only a few days after his surgery, and failing to inform the on-call order provider with the facts that the plaintiff had in fact had surgery on 7-6-15, and was ordered not to take any aspirin or anti-inflammatory medications for 6 weeks; in violation of the plaintiff's 8th Amendment; in which plaintiff further believe's was in retaliation for his having filed complaints against defendant Moerchen, in violation of his 1st Amendment rights;

That defendant Brian Miller, acted with deliberate indifference to the Plaintiff serious medical needs where

Plaintiff informed defendant of how his left hand was injured while plaintiff was at work and was sent back to the unit without any medical treatment and plaintiff showed defendant how swollen his left hand and thumb was and that he was in great pain and defendant did nothing to get the plaintiff any medical treatment and the defendant informed the plaintiff to file a inmate complaint through the ICRS and see how things work out, in violation of the plaintiff's 8th Amendment rights against cruel & unusual punishment;

That defendant Susan Peters acted with deliberate indifference to the plaintiff's serious medical needs, in violation plaintiff's 8th Amendment rights, when she ordered the plaintiff to go back to work without examining the plaintiff's left hand to see if the plaintiff was capable of returning back to work at that time and while knowing that the plaintiff had not been seen by a doctor to assess the plaintiff's injuries to his left hand and while knowing that the plaintiff had constantly complained of being in extreme pain due to his injury in left hand;

That defendant Wanda Yeska and C/o Hodge violated the plaintiff's 14th Amendment right to due process, wherein they failed to submit a written Incident or Accident Report, on 8-30-14, documenting the plaintiff's injury to his left hand & thumb that he received while working, causing the plaintiff not to continue being compensated at the earned rate in his previous work status, contrary to DAI Policy 309.55.01;

That defendant Wanda Yeska, violated the plaintiff's 14th Amendment right to due process and equal protection under the law and the plaintiff 1st amendment right against retaliation for his complain against her to her Supervisor about her not submitting a Accident report regarding his work related injury; wherein On or around 2-15-15, the plaintiff was informed by Kitchen Administrator - Amy Wilson, that the reason he was not receiving pay, was because no Accident report had been made indicating that he was injured while working; Plaintiff informed defendant Amy Wilson that a report should have been made by defendant Yeska and

C/o Hodge, who he informed/showed his injury to; and defendant Wilson then called defendant C/o Hodge in her office and asked whether he in fact filed a Accident work concerning the plaintiffs injury to his left hand and he informed defendant Wilson that he did not and thereafter, defendant Wilson called defendant Yeska into her office while Plaintiff was present and asked her whether she filed a Accident Report concerning the plaintiff's injury to left hand and defendant Yeska, informed her that she had not written a Accident Report on the incident;

That on 5-12-15, several months after complaining to several defendant's about not receiving his work pay and after discussing that matter with defendant Steve Schueler, who confirmed that a Accident report had to be written, plaintiff a Accident Report, back dated to 8-30-14, with the defendant's Wanda Yeska, signature on it. Clearly, showing her deliberate and malice intent to fabricate a Accident Report, in attempt to cover up her actions of not;

That defendant Amy Wilson, violated the plaintiff's 14th Amendment rights to due process and Equal Protection, and 1st Amendment rights against retaliation, when she on or around 2-15-15, informed Plaintiff that the reason he was not receiving continued work pay, was because there was no Accident Report written concerning his work related injury to his left hand; and after personally talking with defendant's C/o Hodge and Yeska while in the present of Plaintiff concerning whether they in fact had written a Accident Report on the plaintiff's injury to left hand; which they confirmed that they had not.

And after plaintiff had complained to several R.G.C.I. Officials and filed an Inmate Complaint about no Accident Report being written, that defendant Amy Wilson, arbitrary and maliciously, falsely signed her name upon a back dated Accident Report, signed on 8-30-14; which defendant was not at work at the date and time of incident on second shift on 8-30-14, and could not have signed the alleged Accident Report on 8-30-14, and defendant Wilson never interview inmate on 8-30-14, as falsely indicated in the fabricated Accident Report;

That on 9-2-14, defendant Steve Schueler, violated the plaintiff's 1st, 8th, and 14th Amendment rights against, retaliation, cruel and unusual punishment, Due Process and Equal Protection under the law, wherein the defendant Schueler, arbitrarily and maliciously, conspired with other defendants to sign and back date a Accident Report, concerning the plaintiff's work related injury after the plaintiff had complained about not being continually paid for his work related injury ~~and~~ filed inmate complaint#RGC1-2015-9010, around 5-18-15, for staff not writting a Accident Report concerning his work related injuries; That defendant Schueler, with malice intent, arbitrarily signed and back dated Accident Report, he knew to be false, wherein plaintiff on 5-8-15, had a discussion with defendant Schueler, concerning his work related injury and not being compensated therefor; which defendant Schueler, informed plaintiff that he had no knowledge of the fact that plaintiff had been injured while working at R.G.C.I.; Yet, on 5-12-15, days after discussion with defendant Schueler, the plaintiff received in the mail a copy of an Accident Report with the defendant Schueler's signature affixed to it;

That on 9-11-14, the defendant Michael Meisner, violated the plaintiff's 1st, 8th, and 14th Amendment rights against retaliation, cruel and unusual punishment, Due process & Equal Protection under the law, wherein defendant conspired with defendant's Yeska, Wilson, Schueler and Other R.G.C.I. Officials to sign and back date fabricated Accident Report concerning the plaintiff's work related 8-30-14, injuries to his left hand and thumb, after the plaintiff had filed complaints against defendants for failing to write a Accident Report or compensate him for his work related injuries;

That on 4-6-15, defendant Michelle Smith, violated the plaintiff's 8th and 14th Amendment right against cruel and Unusual punishment, Due process and Equal Protection under the law, where by the defendant in her capacity as ICE, falsey alleged that there was no documentation to support plaintiff's claim that he is unable to work due a work related injury that

occurred on 8-31-14, and that there is no requirement to continue to compensate plaintiff at his previous rate of earning; when to the contrary defendant Smith, in a interview/information request response to plaintiff admitted that she was aware of a Accident Report completed by staff showing that my injury was work related; Yet she made no mention of it in her decision/Recommendation as document relied upon or viewed nor does she mention DOC-3639 Nursing Encounter Protocols signed and filled out on 8-31-14, which verifies that plaintiff was sent to HSU by request of Kitchen staff and that I was not charge a Medical Co-pay as injury was work related; further defendant Smith falsely stated that there was no requirement for plaintiff to continue to be compensated at his previous rate of earning given these circumstances; when defendant Smith knew this is contrary to DAI Policy 309.55.01 at page# 5, section#C, Lay in and Sick cell Status, that clearly, requires a inmate to continue to receive compensation at the rate earned in their previous work status for injuries sustained in a facility Job related accident and which mandates that work related injuries reported on DOC-98A shall not affect pay status; which defendant knew doctor had in fact placed plaintiff in a No work medical lay in status due to his injuries he sustained to left hand and thumb while at Work at R.G.C.I.;

That on or around 3-5-15, & 3-24-15, the defendant Krainer, continued to violate plaintiff's 1st, 8th and 14th Amendment right, against retaliation, cruel and unusual punishment, due process, when he failed to continue to compensate plaintiff at rate earned in plaintiff's previous work status, wherein defendant krainer knew that defendant had in fact sustained an work related injury while working at R.G.C.I. Kitchen, and was entitled to such continued compensation pursuant to DAI Policy 309.55.01, section#C at page#5;

That on 9-2-14, defendant K.Souzek, violated the plaintiff's 1st, 8th, and 14th Amendment rights against retaliation, cruel and unusual punishment, Due Process and Equal Protection under the law, wherein defendant arbitrarily and maliciously signed and back dated ACCident Report, she knew to be

false, in attempt to cover up violations made by other co-defendant's; when the plaintiff had filed complaints against for failing to write Accident Report concerning his work related injury and failing to compensate plaintiff for his job;

That the defendant's actions and inactions herein described were outrageous, intentional and malicious.

That the defendant Michael Mesiner, pursuant to § 19.01 (3) Wis. Stats., while acting in said capacity of Warden is responsible and liable for the actions and inactions of his employee's via Official Oath and Bond of Office, for the injuries sustained herein;

Relief

Wherefore, the plaintiff prays for judgment against the defendant's individually and jointly and demands the following relief:

A. Compensatory Damages in the amount of \$395,000.00;

B. Punitive Damages in the Amount of 10,000.00; and 250 times the amount seen by the Court pursuant the mandate of Harris v. Cleveland, et. al. -vs- Pacific Mutual Life Ins. Co., 499 U.S. 1, 113 F. 2d, 111 Sec. 1032 (No.89-1279);

C. All costs, disbursements associated with this action;

F. Any and all further relief that the Court deems fit to impose under the circumstances.

Dated 10th day of Oct, 2015

Respectfully Submitted
Without Prejudice

Robert E. Bost
Redgranite, WI. 54970